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November 22, 2005

Commissioner for Patents
Mail Stop Amendment
P. O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application Ser. No. 10/776,880
Applicant: Kevin A. Rickman
Filed: February 11, 2004
For: Pool Cover Drain System
Docket No. A310443.1US

Dear Sir:

Enclosed are:

- (1) Transmittal letter (1 page)
- (2) Amendment, which includes a Certificate of Mailing (19 pages);
- (3) Firm return receipt postcard

Respectfully submitted,

Leslie J. Vanlandingham

/lv
Enclosures



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

Kevin A. Rickman

Filed: **February 11, 2004**

Art Unit: **3751**

Serial No.: **10/776,880**

Examiner: **Charles E. Phillips**

For: **POOL COVER DRAIN SYSTEM**

Attorney Docket No.: **A310443.1US**

AMENDMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir,

Applicant acknowledges receipt of the Office Action in the above identified application that was mailed on August 26, 2005. Applicant appreciates the thorough review of the subject of the invention and the assessment of the prior art.

However, Applicant believes there is some confusion over the election required in the previous Office Action that was mailed on May 23, 2005. In that Office Action, Applicant was required to elect between species the Examiner found to be patentably distinct as represented by Figures 1, 5, and 6 respectively. Claim 1 was however recognized to be a generic, linking claim. In response, Applicant elected the species illustrated in Figure 1 and elected to continue prosecution of claims 1-5 and 7-17, withdrawing claims 6 and 18-30. Applicant was therefore understandably confused to find that in the current Office Action claims 1-5, 7, 8, and 14 were indicated as being objected to and withdrawn for not reading on the elected embodiment of Figure 3.

Claims 1, 9-11, 13, 15, and 17 stand rejected as anticipated by one or more pieces of prior art. Claims 12 and 16 stand rejected as being obvious in light of one or more pieces of prior art. Claims 1-5, 7, 8, and 14 stand objected to as not reading on the elected embodiment and stand withdrawn as being drawn to a nonelected species. Finally, the drawings are objected to.

Applicant respectfully suggests that the full extent of the present invention was not fully understood. Applicant respectfully traverses the rejections of claims 1, 9-13, and 15-17; the objections to and the withdrawal of claims 1-5, 7, and 8 as not reading on the elected embodiment; the objection to claim 14; and the objection to the drawings. In response, Applicant is amending claim 9 to more fully distinguish the invention from the cited prior art and amending claim 15 to reflect the amendment to claim 9. With the amendment to independent claim 9 to make it allowable, dependent claims 10-17 also become allowable. Applicant respectfully traverses the objection to claim 14 as not reading on the elected embodiment and the corresponding withdrawal of claim 14. Applicant additionally traverses the objection to the drawings.

Applicant is adding two new independent claims, 31 and 41, and eleven new dependent claims, 32-40 and 42-43, to more fully distinguish the invention from the prior art and to avoid the confusion over the election of claims reading on Figure 1. Since two independent claims and 12 dependent claims had previously been withdrawn, Applicant believes the addition of these new claims should not require additional excess claim fees. However, if such fees are required, they are authorized to be charged to deposit account, number 502346.

Amendments to Claims begin on page 3 and Remarks begin on page 11.